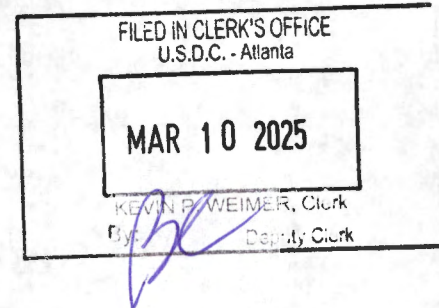


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,
Plaintiff,

v.
WENDELL HOLMES JR.
Defendant.



Civil Action No. 1:24-cv-02911

**MOTION TO DISMISS FOR IMPROPER SERVICE AND LACK OF PERSONAL
JURISDICTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Wendell Holmes, Defendant in the above-styled action, appearing pro per (representing himself), and respectfully moves this Court to dismiss the Complaint filed by Plaintiff, Natalie Soto, on the grounds of improper service of process and lack of personal jurisdiction. In support of this motion, Defendant shows the Court as follows:

1. Special Appearance:

Wendell Holmes has previously filed a Motion for Special Appearance solely for the purpose of contesting jurisdiction and service. By filing this motion, Wendell Holmes does not waive any rights or submit to the jurisdiction of this Court.

2. Improper Service of Process:

The Plaintiff, Natalie Soto, attempted to serve Wendell Holmes by delivering the Complaint to an address where I did not reside at the time.. Specifically, the process server delivered the Complaint to 5934 Rosie Ln SE, Mableton, GA, Cobb County, Georgia 30126, which was the residence of Wendell Holmes's estranged wife. At the time of service, Wendell Holmes did not reside at this address due to his separation from his wife. Server delivered the complaint to the dog walker whom does not resided at 5934 Rosie LN SE.

- Georgia Law on Service: According to O.C.G.A. § 9-11-4(e), service of process must be made by delivering a copy of the summons and complaint personally to the defendant or by leaving copies thereof at the defendant's dwelling house or usual place of abode with someone of suitable age and discretion residing therein. The address where service was attempted does not constitute Wendell Holmes's current dwelling house or usual place of abode.

3. Lack of Personal Jurisdiction:

As a result of the improper service of process, this Court lacks personal jurisdiction over Wendell Holmes. Jurisdiction over a defendant cannot be established without proper service of process, which is a fundamental requirement under Georgia law.

4. Relief Sought:

Wendell Holmes respectfully requests that this Court dismiss the Complaint filed by Natalie Soto due to improper service of process and the consequent lack of personal jurisdiction over the Defendant. Holmes also requests any other relief the Court deems just and appropriate.

5. Request for Hearing:

Defendant requests a hearing on this Motion to Dismiss to address the improper service and jurisdictional issues raised herein.

WHEREFORE, Wendell Holmes respectfully requests that this Court:

- a. Dismiss the Complaint filed by Natalie Soto for improper service of process and lack of personal jurisdiction;
- b. Grant a hearing on this motion at a time convenient to the Court; and
- c. Grant any other relief that the Court deems just and proper.

Dated this March 10, 2025

Respectfully submitted,

Wendell Holmes Jr.
5934 Rosie LN SE
Mableton, GA 30126
(404) 664-2943
Pro Per

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss for Improper Service and Lack of Personal Jurisdiction was served upon all parties or their counsel of record by electronic mail on this 3/10/2025.

Wendell Holmes
Pro Per